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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Mexico

1. The Committee considered the third periodic report of Mexico (E/1994/104/Add.41) at its 44th to 46th meetings, held on 25 and 26 November 1999, and adopted, at its 54th meeting (twenty-first session), held on 2 December 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the third periodic report submitted by Mexico and the written replies to the Committee's list of issues. The Committee notes with appreciation the presence of the delegation from the capital and the constructive dialogue that took place during the session.

B. Positive aspects

3. The Committee takes note of the State party's improved macroeconomic performance, particularly the reduction of foreign debt, the decrease in inflation and the growth of export capacity, all of which create an environment conducive to a more effective implementation of the rights under the Covenant.

4. The Committee welcomes the establishment of an inter-ministerial national committee to follow up on recommendations adopted by international human rights treaty bodies.

5. The Committee notes with satisfaction the increase in social expenditure, which now stands at 8.9 per cent of the gross domestic product, and takes note of the numerous programmes, such as the Programme for Education, Health and Nutrition (PROGRESA), established to improve the enjoyment of economic, social and cultural rights by the most marginalized segments of society.

6. The Committee appreciates the measures taken by the State party to alleviate any negative effects that the implementation of the North American Free Trade Agreement (NAFTA) might have on certain vulnerable sectors of the population.

7. The Committee welcomes the accession of Mexico to the anti-corruption conventions of the Organization for Economic Cooperation and Development and the Organization of American States.

8. The Committee appreciates the establishment of a National Programme for Women (Programa Nacional de la Mujer), which has a Surveillance Counsel to monitor and assist victims of intra-familial violence.

9. The Committee welcomes the establishment of a special governmental body (Procuraduría Nacional de la Defensa de los Trabajadores) to provide free legal assistance to workers.

10. The Committee also welcomes the recent conclusion of a memorandum of understanding, by which the Office of the United Nations High Commissioner for Human Rights will provide agreed technical assistance to the State party.

11. The Committee welcomes the positive attitude the Government of Mexico demonstrates with regard to a future adoption of an optional protocol to the Covenant.

C. Factors and difficulties impeding the implementation of the Covenant

12. The Committee notes that the economic crisis experienced by Mexico in 1995 has had negative effects on the enjoyment of economic, social and cultural rights by its population, in particular the most vulnerable sectors, which are still being experienced in Mexico as a significant amount of public funds is being invested in overcoming the effects of the crisis.

13. The Committee also takes note of the natural disasters experienced by Mexico and acknowledges the limitations they impose on the Government in guaranteeing the implementation of economic, social and cultural rights to its population at all times.

14. The Committee notes the prevalence of certain traditions, customs and cultural practices in Mexico which continue to impede the full enjoyment by women of their rights under the Covenant.

D. Principal subjects of concern

15. The Committee expresses concern about the insufficient efforts taken by the State party to comply with the concluding observations and specific recommendations adopted after the examination of its previous report.

16. The Committee is concerned that very little progress has been achieved by the State party during the period under review, despite its efforts to reduce poverty. It is disturbed by the increase in the number of persons living in poverty and extreme poverty. The Committee considers that unless the structural causes of poverty are properly addressed, a more equitable distribution of wealth between the various sectors of society, between states and between rural and urban areas will not be achieved.

17. The Committee is also concerned about the unbalanced approach of the State party to addressing various regional economic and social problems that prevail in the neglected and vulnerable sectors of Mexican society.

18. The Committee is concerned about the persisting plight of indigenous populations, particularly those of Chiapas, Guerrero, Veracruz and Oaxaca, who have limited access to, inter alia, health services, education, work, adequate nutrition and housing.

19. The Committee considers that the problem of corruption also has negative effects on the full implementation of economic, social and cultural rights. The Committee is therefore not satisfied with the information provided by the State party on the measures taken to combat the effects of this serious problem with regard to the rights protected by the Covenant.

20. The Committee regrets that despite the positive growth of macroeconomic indicators in Mexico, especially the sharp decrease in the level of inflation, the National Minimum Wage Commission has not adjusted the minimum wage level upwards. At present, about five minimum wages are needed to obtain the officially set basic food basket (canasta básica constitucional), in violation of article 7 (a) (ii) of the Covenant and as reflected in national legislation (article 123.VI of the Constitution).

21. The Committee is deeply concerned about the situation of women workers in the maquiladoras, some of whom are subjected to pregnancy tests upon recruitment and at intervals during work, and are dismissed if found to be pregnant.

22. The Committee regrets the State party's lack of commitment to increase the minimum working age of children from 14 to 16, since the age of 16 is when basic education is normally concluded.

23. The Committee also regrets the absence of plans to withdraw the State party's reservation to article 8 of the Covenant, although the right to form trade unions and the right to strike are enshrined in the Mexican Constitution and in the corresponding regulatory laws. The Committee regrets in particular the fact that trade unionism in the public sector is not pluralistic, and that trade union officials are not elected by direct vote.

24. The Committee is concerned about the privatization of the social security system, which may exclude from certain benefits those not in a position to contribute to an individual pension account, such as the unemployed, underemployed, lower-paid workers and those employed in the informal sector.

25. The Committee is concerned about the presence of numerous military and paramilitary forces within the indigenous community of Chiapas and other states in the region, and in particular about the allegations made by civil society organizations that these elements interfere with the supervision and implementation of development programmes and the distribution of economic and social assistance, and about the lack of consultations with the communities concerned.

26. The Committee is alarmed about the high rate of domestic violence, and in particular domestic violence against women. The Committee is also deeply concerned about the growth in the number of street children despite the efforts of the Government to tackle the problem.

27. The Committee regrets the lack of a satisfactory response to its previous concluding observations, as well as to the written and oral questions put to the delegation, concerning forced evictions. The Committee to date has not received a satisfactory answer to its queries about the extent of the problem and the measures taken by the Government to protect all citizens against forced evictions. Moreover, the Committee remains concerned about the housing shortage and the unsatisfactory condition of a high percentage of the housing stock, especially in rural areas where a significant number of dwellings lack electricity, adequate sewage disposal and piped water.

28. The Committee is concerned about the persisting malnutrition, especially in rural areas and among children under five years of age. The Committee is also alarmed to learn that malnutrition-related illnesses are among the chief causes of mortality in Mexico.

29. The Committee is also concerned to learn that the fourth highest cause of death among women in Mexico is illegal abortion.

E. Suggestions and recommendations

30. The Committee recommends that the State party identify benchmarks to assist it in monitoring the progress made in combating poverty. The Committee would appreciate an evaluation by the State party, in its fourth periodic report, of the progress made in improving the

enjoyment of economic, social and cultural rights by the Mexican population, using the identified benchmarks as reference points, complemented by statistical information.

31. The Committee urges the State party to address the structural causes of poverty in Mexico and to adjust the social programmes accordingly. Furthermore, the Committee invites the State party to involve closely the civil society in general, and the target groups in particular, in the planning, implementation and evaluation of these programmes.

32. The Committee recommends that the State party take effective measures to intensify its efforts to combat corruption, since this problem negatively affects the full implementation of the rights protected by the Covenant, including legal action against those responsible for acts of corruption.

33. The Committee recommends that the allocation of development resources by the State party be conducted in an equitable manner, irrespective of geographic location and the populations concerned.

34. The Committee calls upon the State party, when negotiating with international financial institutions and implementing structural adjustment programmes and macroeconomic policies affecting foreign debt servicing, integration into the global free market economy, etc., to take into account their effect on the enjoyment of economic, social and cultural rights, in particular for the most vulnerable groups of society.

35. The Committee recommends that the State party continue to strengthen its efforts to alleviate any negative effects that the implementation of NAFTA might have on certain vulnerable sectors of the population.

36. The Committee calls upon the State party to adopt effective measures to guarantee compliance with article 7 (a) (ii) of the International Covenant on Economic, Social and Cultural Rights, which is reflected in article 123.VI of the Mexican Constitution, in relation to the officially set basic food basket.

37. The Committee also urges the State party to adopt immediate steps towards the protection of women workers in the maquiladoras, including prohibiting the practice of demanding medical certification that prospective workers are not pregnant and taking legal action against employers who fail to comply.

38. The Committee recommends that the State party consider ratifying the Minimum Age Convention, 1973 (Convention No. 138) of the International Labour Organization.

39. The Committee calls upon the State party to comply with its obligations under article 8 of the Covenant and to withdraw its reservation made under that article.

40. The Committee urges the State party to take more effective measures to combat domestic violence, in particular domestic violence against women, and the serious problem of street children. The Committee also urges the State party to remedy the root causes of these problems.

41. The Committee urges the State party to increase its efforts to provide adequate housing at affordable prices, particularly to the poorest segments of society. The Committee wishes to receive more detailed information on the number of forced evictions and the manner in which these are carried out. The Committee recommends that the State party establish mechanisms that record evictions and their follow-up, take immediate remedial action against forced evictions, and report back on this issue to the Committee in its fourth periodic report.

42. The Committee urges the State party to continue taking more effective measures to ensure access to basic health-care services for all children and to combat malnutrition, especially among children belonging to indigenous groups living in rural and remote areas.

43. The Committee calls upon the State party to monitor closely the female mortality rate and to take steps to reduce the incidence of death caused by illegal abortion. In particular, the Committee recommends that the State party intensify its educational campaign regarding women's sexual and reproductive health, and include such subjects in school curricula.

44. The Committee recommends that in the State of Chiapas and other states in the region, the State party supervise and regulate the role of military or paramilitary forces in order to guarantee that development and social assistance programmes are implemented with the active participation of the populations concerned and without the interference of armed forces.

45. The Committee requests the State party to address in a separate section of its fourth periodic report the implementation of the present concluding observations.

46. The Committee recommends to the State party to take the necessary measures to ensure that the provisions of the Covenant are widely disseminated, through human rights education in all curricula, among all sectors of society, particularly among the judiciary and administrative authorities.

47. The Committee requests the State party to ensure dissemination of these concluding observations.